

REMARKS**STATUS OF THE APPLICATION**

The instant application was filed on January 11, 2002. In response to a previous Office Action, Applicants canceled claims 5 and 17 and amended claims 1, 9, 11, and 13-24. In response to the present Office Action, Applicants have canceled claims 1-4, 6-16 and 18-24 and have added new claims 25-40. In view of the amendments to the claims and the discussion presented below, Applicants submit that the instant application is now in condition for allowance. An early notification of such allowance is therefore earnestly solicited.

THE OFFICE ACTION

The Office has declared that the oath or declaration is defective in that there is no oath or declaration. The Office has rejected claims 1-4, 8-11, 13-16, 20, 22, and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,590,042. The Office has also rejected claims 6, 7, 12, 18, 19 and 24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,590,042 in view of U.S. Patent No. 6,786,175. Finally the Office has rejected claims 9, 10 and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,590,042 in view of U.S. Patent No. 6,030,460.

DISCUSSION

THE OATH/DECLARATION

The Office has declared that the oath or declaration is defective in that there is no oath or declaration. Applicants have once again provided a copy of the original declaration which is attached hereto.

THE REJECTION UNDER 35 U.S.C. 102(b)

The Office has rejected claims 1-4, 8-11, 13-16, 20, 22, and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,590,042 (the '042 reference).

The claims have been rewritten to more clearly and specifically claim the instant invention, and independent claims 25 and 33 now provide that the cathode body is a monolithic body in which the gas distribution network is formed entirely within. The body has two opposed planar exterior surfaces and an edge. The '042 reference does not teach this construction, and as such the present claims are patentable thereover.

THE REJECTIONS UNDER 35 U.S.C. 103(a)

The Office has rejected claims 6, 7, 12, 18, 19 and 24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,590,042 ('042) in view of U.S. Patent No. 6,786,175 ('175). The Office has also rejected claims 9, 10 and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,590,042 in view of U.S. Patent No. 6,030,460 ('460).

As previously stated, the primary '042 reference does not teach the instant invention as embodied in independent claims 25 and 33. Further, the additional references '175 and '460 do not rectify the lack of teaching in the primary reference. Therefore, the rejections under 35 U.S.C. 103(a) are not applicable to the claims as presently amended.

CONCLUSION

Claims 1-4, 6-16 and 18-24 have been deleted and new claims 25-40 have been added to more clearly and distinctly claim the present invention. In view of these amendments and the discussion above, applicant submits that the present application is now in condition for allowance and earnestly request the re-examination and timely notice of allowance thereof.

Should the Examiner have any comments or suggestions which would place the instant application in better condition for allowance, he is earnestly requested to contact the undersigned.

Respectfully submitted,



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